

ENTERED

December 18, 2018

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

CVR ENERGY INC, §
§
Plaintiff, §
VS. § CIVIL ACTION NO. 4:17-CV-01284
§
AMERICAN ZURICH INSURANCE §
COMPANY, *et al*, §
§
Defendants. §

**ORDER ADOPTING REPORT AND RECOMMENDATION ON
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

On April 18, 2018, this matter was referred to United States Magistrate Judge Dena Palermo to conduct all further proceeding pursuant to 28. U.S.C. § 636. [Order, DE 38]. Pending before Judge Palermo was the defendant's motion for summary judgment. [DE 45]. On November 27, 2018, United States Magistrate Judge Dena Hanovice Palermo filed a Report and Recommendation ("R&R") recommending that Defendants' motion for summary judgment be denied. [DE 63]. Defendants filed objections to the R&R on December 11, 2018. [DE 64].

Having conducted a *de novo* review of the portions of the R&R to which Defendants have objected, the evidence and briefing submitted in connection with the summary judgment motion, and the objections, the Court fully agrees with Judge Palermo's R&R. Accordingly, it is ORDERED that:

1. The Defendant's objections are OVERRULED.

2. Judge Palermo's R&R is ADOPTED in its entirety as the holding of the Court.

3. Defendant's motion for summary judgment is DENIED.

It is so ORDERED.

SIGNED on this 18th day of December, 2018.



Kenneth M. Hoyt
United States District Judge